



## YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

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Applicable ACA Standards: 2-7174	Revision Date: 11-23-07, 10-10-08, 01-06-09, 08-17-09
Signature: /s/ Karen Duncan	Effective Date: 02-10-04
Signature: /s/ Steve Gibson	

### I. BUREAU DIRECTIVE:

It is the practice of the Youth Community Corrections (YCC) Bureau to provide youth a grievance and appeal process to resolve complaints and report alleged violations in a timely and confidential manner. This procedure will be reviewed annually and updated as needed.

### II. DEFINITIONS:

**Administrator** - the official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

**Grievance** - an individual complaint filed by a youth or his/her parent(s), guardian(s), custodian(s), or their representative(s) concerning subject matter as outlined in this policy.

**Grievance Coordinator** – the staff member assigned to administer, investigate, and respond to youth grievances. The responsibilities of this position may also apply to that person's designee.

**Informal Resolution** - is verbal or written contact with the appropriate staff to whom the grievance relates or his/her immediate supervisor.

**Program** – any youth correctional facility or community-based program operated under Department jurisdiction or contract.

### III. PROCEDURES:

#### A. General Provisions

1. Every youth is entitled to use the grievance procedure. The grievance procedure and form [[YCC 60-12](#) and [YCC 60-12 \(A\)](#)] shall be available to youth and their families on the Department's Internet site, or, upon request by hard copy. The Juvenile Parole Officer (JPO) will give the youth and parent(s), guardian(s), custodian(s) or their representative(s) a copy of procedure [YCC 60-12](#) and [Form 60-1 \(A\)](#) or the internet address <http://www.cor.mt.gov/YouthServices/default.mcp>x at the initial parole orientation meeting. The youth and parent(s), guardian(s), custodian(s), or their representative(s) will sign the parole agreement acknowledging they have received the document or the internet address.

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2. The YCC Bureau will obtain interpretive services for a language other than English, if spoken by a significant portion of the youth population and provide appropriate assistance to handicapped youth in order that they may understand and complete the necessary forms.
3. Each YCC Bureau staff member shall review this procedure upon hire, have the opportunity to ask questions, and the questions shall be answered within one month. It shall be available to all staff members via the Department's internet site and the YCC intranet site.
4. Retaliation or reprisal against a youth for good faith use of the grievance procedure will not be allowed. For the purpose of this procedure, retaliation is defined as action (or threat of action) against anyone for good faith use of, or participation in, the grievance procedure.
5. Upon request of the youth, a JPO or other staff person shall assist him/her in drafting his/her grievance. The grievance should be transmitted without alteration, interference, or delay to the party responsible for receiving and investigating grievances.
6. No copies of any grievances will be placed in the youth's main file.
7. Time limits for answering grievances at each step are set forth in this procedure. If a complaint is not answered within the deadline, the grievant may file at the next higher level. The period of time referred to for action by the reviewing officials may be extended if findings indicate the initial period is insufficient to make an appropriate decision. Extension of time shall be communicated in writing to the grievant. Appeals not submitted within the established time frame will result in forfeiture of the remaining appeal process.

**B. Grievable Issues - Include But Are Not Limited To:**

1. Policies, rules, and procedures enforced by the YCC Bureau.
2. Reprisals or retaliatory actions against the grievant for filing a grievance under the offender grievance procedure.
3. Actions of either youth or staff that directly affects the grievant and are not covered by Part C below.
4. Concerns dealing with personal needs and services.

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5. Staff Misconduct.

**C. Non-Grievable Issues - Include But Are Not Limited To:**

1. Any process with an established formalized appeal or review process.
  - a. On-site hearings
2. Actions of persons outside the jurisdiction of the YCC Bureau
  - a. State or Federal Laws
  - b. Court decisions
3. The professional actions of an employee who is performing the duties assigned to them by the bureau.
  - a. Examples:
    - i. A staff member conducting a search
    - ii. Youth Placement Committee
  - b. This does not prevent the youth from grieving abuse of authority, the policy/rule/procedure that gives staff the authority to do what they do, or unprofessional behavior on the part of the staff in the performance of their assigned duties.

**D. Informal Resolution**

Because legitimate grievances can be resolved informally much quicker in most instances than through the written, formal grievance procedure, attempts at informal resolution by the youth are mandatory. If the youth is not satisfied with the results of his/her attempts at informal resolution and wishes to continue with the grievance procedure, he/she may file a grievance with the YCC Bureau Chief (or designee) for processing. The grievance must include the results of efforts at an informal resolution. Failure to document on the grievance form the attempts conducted to reach informal resolution will result in the grievance being returned to the youth with a written response from the YCC Bureau Chief (or designee) indicating informal resolution was not noted and it will not be processed as is. This response cannot be appealed; however, a grievance may be resubmitted once informal resolution has been attempted and noted on the grievance form. The YCC Bureau Chief (or designee) must receive the resubmitted grievance within ten working days of the return of the original grievance or the grievance will not be processed any further.

**E. Remedies**

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The grievance procedure will afford a grievant a meaningful remedy to valid grievances. The scope of available administrative remedies is broad and should be applied on a case-by-case basis. Possible remedies include but are not limited to:

1. Modification of policy or practice;
2. Replacement, restoration of, or restitution for personal property;
3. Assurance that deprivation of necessary care or other abuse should not recur;
4. Other remedies that will meaningfully solve the problem presented.

**F. Abuse of the Grievance Procedure:**

1. Grievances containing profanity, threats, or abuse and demeaning language are abusive of the procedure. The grievance will be returned to the youth, noting the abuse, and stating that it will not be processed any further.
2. When an individual submits multiple grievances referencing a particular issue and the issue has been previously addressed through the grievance process, he/she is abusing the procedure. The grievance will be returned to the youth, noting the abuse, and stating that it will not be processed any further.
3. A youth may resubmit any rejected grievances with the noted errors corrected.

**G. Processing of Grievances:**

The YCC Bureau Chief (or designee) will, after collecting grievances, record them in a log. Prior to processing the grievances, they will be checked for validity by ensuring that the following information is documented in a legible, straightforward, and concise manner and that the issue is grievable and is not abusive.

1. Date of the grievance
2. Grievant's name
3. Grievant's mailing address
4. A description of the problem, including the date and time the incident occurred
5. The action requested by the youth
6. Documentation of attempts to resolve the grievance in an informal manner

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7. Names of witnesses to the incident (if any)
8. Grievant's signature

Each invalid grievance will be returned to the youth with a written statement as to why it is invalid and was not processed. The youth may resubmit the grievance with the appropriate corrections, but must do so within ten working days or the grievance may not be processed.

If the grievance is determined to be valid, the YCC Bureau Chief (or designee), following an investigation, will send two copies of the response to the grievant.

If the grievant is satisfied with the remedies listed in the Bureau Chief's response, this will be noted on the one copy of the response and returned to the Bureau Chief. Responses that are not received by the Bureau Chief within ten working days of being sent to the youth will be considered as a satisfactory remedy of the problem.

If the grievant wishes to appeal the response of the YCC Bureau Chief, he/she may indicate this desire on the form and return it to the Youth Services Division Administrator within ten working days of receipt.

## **H. Steps of the Process:**

### Step #1:

The JPO will instruct the youth and parent(s), guardian(s), custodian(s) or their representative(s) how to access this procedure on the internet and, if requested, provide a copy of this procedure and [YCC 60-12 \(A\), Montana Juvenile Parole Youth Grievance Form](#) at the initial parole orientation meeting. The youth and parent(s), guardian(s), custodian(s) or their representative(s) will sign the parole agreement acknowledging they can access the internet or have received a copy.

### Step #2:

Informal Resolution (refer to item III. D. of this procedure)

### Step #3:

Filing a Grievance:

1. The youth will submit a written statement of his/her grievance by filling out a grievance form and sending it to the YCC Bureau Chief (or designee). These forms are available in the parole orientation packet or the internet from a parole officer.

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2. The grievance statement should be simple and straightforward. A legal or technical argument is not necessary. The statement must be written in the area given on the form.
3. Grievances must be submitted within five working days of the grieved incident's occurrence. Failure to submit a grievance in this time frame will be grounds for dismissing the grievance. A grievance concerning a policy or practice may be filed any time, so long as the grievant is personally affected by that policy or practice.

Step #4:

Youth will send the grievance to the YCC Bureau Chief (or designee). The Bureau Chief (or designee) will log and check the grievance for validity. Invalid grievances will be returned to the grievant. An emergency grievance will be sent by the fastest method available to the YCC Bureau Chief. In that person's absence, it will be sent to the Youth Services Division (YSD) Administrator. In that individual's absence, it will be sent to the Department's Director.

Alleged reprisals shall be reviewed by an individual not under the control of the YCC Bureau.

Step #5:

The YCC Bureau Chief (or designee) will investigate valid grievances within ten working days of receipt of the grievance. If an extension for response is necessary, the YCC Bureau Chief (or designee) will complete an Extension for Grievance Response Form, stating why the extension is necessary and noting a projected date of response (not to exceed ten working days). The YCC Bureau Chief (or designee) will send a copy of the Extension Form to the youth

Step #6:

The YCC Bureau Chief (or designee) will send two copies of the response to the grievant, who will sign them, indicate whether he/she is satisfied with the response or desires to appeal the response. Reasons for the appeal will be listed appropriately on the form. The youth must send this appeal to the YSD Administrator within ten working days of the date of the Bureau Chief's response.

Step #7:

The YSD Administrator should respond to the appeal within ten working days of receipt.

## **I. Record Keeping:**

1. Records regarding the filing and disposition of grievances will be collected and maintained. These records will include: a log showing the name of the grievant,

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case number, dates of initial submission and of responses at each level, general content/description of the problem grieved, and disposition of grievance at each level. The YCC Bureau Chief (or designee) will be responsible for maintaining a file on all grievances. A copy of all grievances, appeals, and materials resulting from investigations will be kept. The youth will receive a copy of the grievance and the appeal responses. Files will be kept on record for a three-year period following the final disposition of the grievance.

## 2. Monthly Grievance Reports

- a. The YCC Bureau Chief (or designee) will document grievance activity and submit reports [[YCC 60-12 \(D\), Monthly Grievance Report](#)] to the YSD Administrator each month that include the following data:
  - i. number of informal resolutions filed;
  - ii. total number of formal grievances filed;
  - iii. number filed by category, e.g., standard or emergency;
  - iv. number pending final dispositions;
  - v. number filed by type of complaint, e.g., meals, medical, living conditions;
  - vi. number filed against staff member;
  - vii. number filed by youth location, i.e., living unit;
  - viii. number filed by department/unit grieved;
  - ix. number and reason grievance not processed, e.g., abusive language, exceeds limit;
  - x. number granted for investigation; and
  - xi. number and reason grievance denied.
- b. The YCC Bureau Chief will also document and include appeal activity in the monthly reports to administrators that include:
  - i. number of first level appeals granted, denied, or pending; and
  - ii. number appeals for independent review granted, denied, or pending.
- c. The YSD Administrator will ensure that the monthly grievance reports are retained by the program for at least three years following the final grievance disposition.

## 3. Supervisory Review of the Grievance Program

- a. The YSD Administrator will review the monthly grievance reports, analyze the collected data, and address corrective action that may be required to improve facility operations and/or parole services.
- b. Each facility and program administrator will complete an annual grievance program report that summarizes the conclusions and recommendations from monthly reviews and submit it to the Department Director.

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- c. Monthly and annual reports provide an internal administrative means at the facility/program and Department Director level not only to evaluate youth complaints, but also to identify and resolve potentially problematic management areas that, when addressed, will further the Department's mission and goals.

**J. Comments and Suggestions:**

Youth and employees wishing to comment on the effectiveness and the credibility of the YCC Bureau grievance procedure may submit their written concerns and suggestions to the YCC Bureau Chief.

**IV. CLOSING:**

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

**V. REFERENCES:**

*53-1-203, MCA*                      *Powers and Duties of the Department of Corrections*  
*DOC 3.3.3*                         *Offender Grievance Procedures*

**VI. ATTACHMENTS:**

*YCC 60-12 (A) Montana Juvenile Parole Youth Grievance Form*  
*YCC 60-12 (B) Juvenile Parole Extension for Grievance Response Form*  
*YCC 60-12 (C) Grievance Log*  
*YCC 60-12 (D) Monthly Grievance Report*